



BiEPAG



Policy Paper
Western Balkans
and the EU
Fresh Wind in the
Sails of Enlargement

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Western Balkans and the EU Fresh Wind in the Sails of Enlargement

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'Accession of the Western Balkans is also in the own interest of the European Union and it is more relevant than ever.'

Johannes Hahn,
Commissioner for European Neighbourhood Policy
and Enlargement Negotiations

Introduction

Over the past decade, the European Union (EU) has gone through a multiple set of crises, including the global financial crisis, the Eurozone crisis, the refugee crisis, and Brexit. These have been accompanied by geopolitical instability on Europe's southern periphery and the failure of the EU's Ostpolitik following Moscow's invasion of Ukraine. On top of this, the EU is facing a major crisis of democracy in some of its member states. Preoccupied with dealing with its internal problems, the EU has in the meantime kept its enlargement policy to the Western Balkans (WB) on an auto-pilot mode,¹ or in the worst case it has misused it - for example when closing the WB refugee corridor – in order to preserve internal stability. As a result, 18 years after the launch of the Stabilisation and Association Process (SAP) with the EU, WB countries (apart from Croatia, which managed to join in 2013) are still far away from EU accession. At the same time, WB democracies have been backsliding for nearly a decade, while some countries are still or again governed by semi-authoritarian leaders who have adopted democratic rhetoric, but continue to use undemocratic methods to preserve their power.

Despite this apparently negative context of the moment, and regardless that some of the shortcomings that led to the EU's myriad of crises remain, conditions have not been so favourable in a decade to decisively re-engage with the Union's accession to the Balkans as they are today. As stated by the President of the European Commission, Jean-Claude

1. See Marko Knežić, Florian Bieber, EU and the Western Balkans: Beyond the Auto-pilot Mode. Balkans in Europe Policy Advisory Group, October 2016. Available at http://www.suedosteuropa.uni-graz.at/sites/default/files/article_attach/BIEPAG-Western-Balkans-and-the-EU-Beyond-the-Autopilot-Mode.pdf

Juncker, at his state of the EU speech, the “wind is back in Europe’s sails, we now have a window of opportunity but it will not stay open forever.”²

Eurozone unemployment has dropped to 9.1 per cent, the lowest rate in nine years.³ The refugee crisis isn’t over, but a dramatic decrease in the number of refugees and migrants entering and crossing Europe via the Mediterranean and Western Balkans routes⁴ has relieved some of the pressure from the EU. Brexit talks are stalling, but as Finland’s Secretary of State for Foreign Affairs, Samuli Virtanen, recently put it: “It seems that at the moment the EU 27 is more unanimous than the UK 1.”⁵ In other words, it seems that despite the predictions, Brexit will not consume all of the EU’s policy attention and bureaucratic apparatus. Quite the contrary, in light of Britain’s pending departure, the EU might find it beneficial to demonstrate that there is still growing interest for membership elsewhere and that there appears to be new movement in the EU to engage in new, forward-looking strategic planning. Circumstances beyond the EU make it all the more necessary to strengthen the Union’s structures across the continent. Not only is EU threatened by Russia’s aggressive meddling in its immediate vicinity, it is also United States President Trump’s criticism on trade, refugees, or defence policies that should provide incentive for Europeans to come together under a more resilient Europe. Finally, notwithstanding the dramatic rise of right wing anti-refugee political parties throughout the EU, the countries believed to be key to shaping new policies, France and Germany, avoided their own populist outcomes in recent elections. With a clear four-year mandate on their hands, European political heavyweights now have the opportunity to confront their mutual differences and reach out to other European countries in order to convert the European crisis management phase into a series of bold and innovative solutions that will lead to the sustainable prosperity and stability of the EU and its citizens.

This is why the main message of this policy brief is that a more courageous approach is needed to intensify the accession process. The next few months could be crucial in this regard. For the first time, the European Commission will not present their annual progress reports on the aspiring countries’ progress towards membership.

2. President Jean Claude-Juncker’s State of the Union Address 2017, European Commission, Brussels, 13 September 2017. Available at http://europa.eu/rapid/press-release_SPEECH-17-3165_en.htm.

3. Unemployment Statistics. Eurostat, August 2017. Available at http://ec.europa.eu/eurostat/statistics-explained/index.php/Unemployment_statistics.load/58838.

5. Chris Morris, Brexit: How are the talks really progressing?, BBC News, 19 October 2017. Available at <http://www.bbc.com/news/uk-politics-41657248>.

Instead, the energy in Brussels and in the region should be used to focus minds of EU enlargement promoters on a pivotal set of questions: How to create faster gradual and sectorial European integration and ensure substantial social, economic and environmental convergence? How to reverse the trend of ‘stabilitocracy’ and build open societies founded on liberal democracy, the rule of law and respect for human and minority rights in the WB?

This policy brief will address the possibility for new momentum for enlargement announced by Jean-Claude Juncker; the democratic change in government in Macedonia and its potential implications for the region including the resolution of outstanding bilateral relations with Greece and Bulgaria; the main results of the Trieste EU-Western Balkans Summit; the state of play of bilateral disputes in the region; a chance to extend the EU ‘roam like at home’ policy to the WB; and the dilemma of what to do with current laggards in the EU enlargement process. Each of the subsections will be followed with a number of practical policy recommendations aiming to facilitate two interconnected goals, namely 1) accession of the WB countries to the EU, and 2) strengthening of liberal democracies in these countries.

Next EU Enlargement in 2025?

Stabilisation and Association Agreements (SAA) have now entered into force for all six WB countries. While Montenegro (28 chapters opened, 3 provisionally closed) and Serbia (10 chapters opened, 2 provisionally closed) continue their accession negotiations, Albania still awaits the opening of its first negotiating chapters conditioned by a convincing track record in implementation of judicial reform. Despite being the first WB country to sign the SAA with EU, following the end of a deep and prolonged political crisis, Macedonia must implement Urgent Reform Priorities and the Pržino Agreement in order to open accession negotiations. Bosnia and Herzegovina filed its accession application, and the EU began preparing the subsequent Opinion in September 2016 and is awaiting responses to the Questionnaire. The EU and Kosovo held their first Stabilisation and Association Council meeting in November 2016, however the country has until recently remained in a political deadlock which obstructed advancement towards the EU. The recent change in government in Macedonia and Montenegro's final integration into NATO have both provided a much-needed dose of good news from the WB.

Despite these and other recent positive signals – most notably the continuation of the 'Berlin Process' in July 2016, Western Balkans 6 Meetings, the Western Balkans Connectivity Agenda, the adoption of Consolidated Multi-Annual Action Plan for a Regional Economic Area (REA) in the WB6, the European Commission's new approach to economic governance in the Balkans, the adoption of the Declaration on the Solution of Bilateral Disputes at the August 2015 Vienna Summit, and opening of the Secretariat of the Regional Youth Cooperation Office (RYCO) in Tirana in spring 2017 – the political messages coming from Brussels until recently pointed to the conclusion that European integration of the region will not be accelerated. This fact has for years negatively impacted the credibility of the accession process.

This is why it was important to hear from Jean-Claude Juncker who stated in his State of the Union speech that the European Union needs to maintain a credible enlargement perspective for the WB. Announcing that the European Commission plans to create the strategy for the successful accession of Serbia and Montenegro to the European Union by the end

of 2018, he has proclaimed that these two frontrunners in the current enlargement round would be given the prospect of accession to the EU in 2025.

However, several dilemmas remain following Juncker's State of the Union speech and a Letter of Intent to the President of the European Parliament and the Estonian Prime Minister. First, it remains unclear whether 2025 should be understood as the absolute deadline or the earliest possible date of accession for the current frontrunners. Second, does the exclusive mention of Serbia and Montenegro exclude other WB countries from catching up and joining the EU at the same time?

Even though Juncker's statement is of course not a binding commitment, it is the first time ever that enlargement is linked to a concrete date, which is particularly significant for the WB where the perception prevails that the enlargement process has been on-going for too long. It took Croatia six years to conclude formal negotiations after having started them back in 2005, and it took almost another two years for the final accession phase before full membership. At this pace, citizens of the remaining non-EU WB countries will thus have to wait for more than 25 years since the launch of the SAA in 1999, and 35 years since the end of Communism, to join the EU – in the case of Bosnia and Herzegovina and Kosovo, it is likely to be closer to 45 years. This is a lifetime. Therefore, the very fact that a certain deadline exists has a motivating role for countries involved. However, the first test for credibility of Juncker's promise will come already next year when the EU will negotiate its budget.

Second, Juncker's statement closely follows the current enlargement policy of the EU that favours individual admission over the idea of grouping the countries of the WB into one whole. Lessons learned from the 2004 'big bang,' but also from the WB visa liberalization process show that the 'stadium' approach might be beneficial as it encourages cooperation between the candidate countries and creates healthy competition in conducting necessary reforms as no country wants to be left behind. Remembering cases when other former Yugoslav countries were successful at slowing down the accession processes of their neighbours by imposing bilateral membership conditions leads us to believe that the current laggards of the accession process should be given the same timeframe for accession, as long as they meet accession criteria. Preventing the future blockages in the accession process has to be an important component of any future strategy.

Reverse the Trend of 'Stabilitocracy' Promotion

Serious backsliding in terms of democracy and freedom of media can be observed throughout the region over the past decade.⁶ Yet, the EU has remained rather silent on these developments, even when confronted with concrete evidence, as in the case of the recent wiretapping scandal in Macedonia, or the Savamala incident in Serbia. This leaves the impression that the EU is willing to provide external support to regimes that include considerable shortcomings in terms of democratic governance for the sake of the (false) promise of stability. This exchange of stability for external lenience on matters of democracy can be called a 'stabilitocracy.'

In a regional context, this practice has led to the establishment of a new type of illiberal political system that formally commits to EU integration and internalizes the reform discourse, but in practice continues to govern through informal rules and clientelism – both of which are part of the toolbox of populist rulers with an authoritarian streak. At the same time, it continues to offer stability towards the EU, be it in pacifying regional issues, such as bilateral relations, or in regard to external challenges, such as the flow of refugees. However, these offers of are misleading, as the lack of democracy in the region is the main source of instability itself. Semi-authoritarian stabilitocracies are willing to both cause and manage instability with their neighbours or towards the internal other - the opposition or minorities - for the sake of securing continued rule. This could be observed in the infamous Belgrade – Mitrovica train episode, or the unexplained recall of all Serbian Embassy staff members from Skopje a few months ago. Paradoxically, if things continue as they are, the Western Balkans ruled by Viktor Orban-like presidents and prime ministers would result not only in less liberal democracy but also less stability, and this is why the trend of stabilitocracy promotion needs to be reversed.

The EU needs to sharpen its focus on monitoring the aspiring members on their paths to stable and prosperous democracies governed by the rule of law. Without exception, it must highlight all democratic deficiencies in the

WB countries. It needs to pay greater attention to the whole forest and not just the trees along the way, as it currently does via the tick-box exercise exemplified by the Chapter 23 and 24 benchmarks. Instead, the issue of consolidation of liberal democracy should be regularly addressed in the annual progress reports as a new negotiating chapter focusing on the core criteria set for new EU members. It is very important that the EU continues to use local expertise in this matter, for example through commissioning regular 'shadow' reports on the state of democracy. Here, the Commission needs to ensure that the criticism that is articulated behind closed doors become more audible.

6. See for example Freedom in the World 2017. Freedom House. Available at <https://freedomhouse.org/report/freedom-world/freedom-world-2017>, and The Bertelsmann Stiftung's Transformation Index 2016. Available at <https://www.bti-project.org/en/home/>.

Macedonia: A Blueprint for the Balkans

After years of democratic decline, the new Macedonian government that took office in May 2017 constituted not just the first democratic transfer of power in the region in four years, but also an apparent break with the success of autocratic rule in the WB. The results of the local elections held in October 2017 ratified the change of government and not only gave it much-needed backing, but also clarified that after a decade of increasing authoritarian rule, clientelism and nationalism, most citizens back a different political course.

The process of transferring power was not easy. It required the concerted action of a broad opposition coalition that would overthrow the incumbent in an election monitored by civil society, with large-scale social movements and external pressure embodied in the Priebe Report and in the EU mediation that set up the special prosecutor, as well as in U.S. mediation by Deputy Assistant Secretary of State Hoyt Brian Yee.

This sequencing of events that led to the change in power in Macedonia occurred precisely as scholars of non-violent social movements have written about for decades. It is important for the EU to learn the lessons from the Macedonian experience.⁷

First, in response to the state capture in several Balkan countries, a Macedonian moment is increasingly becoming the only path toward renewing democratic rule in the region.

Second, the biggest failure of electoral revolutions in the 2000s was the failure to build and respect institutions and rules, often with the tacit consent and encouragement from outsiders. Similarly in the Balkans, from Milorad Dodik in the Republika Srpska in 2006 to Aleksandar Vučić in Serbia in 2012, too often the hope of Western actors was pinned on finding the next reliable, reformist partner.

7. This section draws on Florian Bieber, *A Macedonian Moment for the Balkans?* Friedrich Ebert Stiftung, *Political Trends & Dynamics Emerging Leadership in Southeast Europe, August-September 2017*, 16-17. <http://library.fes.de/pdf-files/bueros/sarajevo/12902/2017-08-09.pdf>

The result has been supporting the current generation of strongmen, who talk of reform when it suits them, but build a highly personalized system of control. Key for sustainable change is the strengthening of institutions over people and the building of professional and transparent institutions able to break the power of patronage networks that are the main transmission belts between politics and citizens across the region. This is why the primary task of the EU must be to extend its support to strengthen state institutions that will ensure the respect for the rule of law.

Third, sustainable change also requires a new type of party politics. To date, most parties in the region are deeply distrusted and joined to get a job not to pursue a political commitment. They are essentially interests groups focused on gaining and maintaining power with only formal adherence to European-type ideological distinctions. The political groups of the European Parliament by inertia provide support for the Balkan parties belonging to their campus. In the future, however, they need to follow not only their rhetoric, but also actions. They should use their position of influence to remind their Balkan counterparts of their commitment to respect European values including democracy and the rule of law.

Finally, following the change in power, the EU's interest in critical input from expert NGOs and assistance to civil society fades out. It is vital that international democracy promoters maintain their support for the inclusion of civil society and social movements in an effort to create pressure on the new governments to govern better and more transparently. Additionally, efforts should be made to support constructive (local) grassroots initiatives. Civil society empowerment should strengthen expertise, capacities, and technical organization and provide for regional and international networking possibilities (e.g. regional ombudsperson network, regional media outlets such as N1 TV which broadcasts simultaneously in Serbia, Croatia, and Bosnia and Herzegovina, etc.). It is equally significant that the EU continues to use local expertise, whereas the collaboration with credible civil society organizations should be further institutionalized via regular channels of communication, through commissioning regular "shadow" reports on the state of democracy and similar efforts.

Trust-Building in the Region

Following the initial euphoria over the change in power in Macedonia, with the next European Commission's recommendation to open accession negotiations due in the spring of 2018, new leadership now faces the difficult task of delivering on the European promise, which includes negotiations with Greece over the country's disputed name.

Indeed, the new government wasted no time. In August, after only two months in the office, Prime Minister Zoran Zaev co-signed a friendship treaty with Bulgarian Prime Minister Boyko Borisov in an attempt to end years of feuding over the language issue. In the document, Bulgaria pledged to support Macedonia's efforts to join the EU. The two countries said they would also improve economic ties, renounce territorial claims, and improve human and minority rights.

After a quarter-century-long dispute that has blocked its entry to NATO and the EU, Macedonia now seems determined to end the dispute with Greece over its name. With the election of the new government in Macedonia, a new sense of purpose and initiative offers the possibility to address this issue. For Macedonia, membership in Euro-Atlantic bodies is at stake, while Greece can remove one of the many pressure points and become a problem-solver in the eyes of EU. Following telephone diplomacy between the two countries' Prime Ministers, Zoran Zaev and Alexis Tsipras, as well as a series of bilateral meetings between the Macedonian Foreign Minister Nikola Dimitrov and his Greek counterpart Nikos Kotzias, the two countries finally seem to be engaged in an open and frank way of communicating and understanding each other's positions. For the first time in 25 years the resolution of the name issue seems to be within the reach.

Lessons learned from resolution of earlier political disputes highlight that their successful resolution depends upon a series of circumstances that are unlikely to be repeated, such as the presence reformist or weak governments and the use of windows of opportunity. The present window of opportunity might not be open for long, as Greek elections appear imminent, possibly as soon as 2018, and therefore it is important to act now.

The resolution of bilateral disputes should be the first priority. In this

regard, both parties are asked to engage in an exercise of trust building via a series of small but symbolically relevant gestures, such as renaming the Skopje 'Alexander the Great' Airport, or others symbolic acts, including friendly sports matches, cultural exchanges, and the like.

However, the EU should remain closely involved as an observer and promoter of the trust building between the two countries. The efforts of the Commission need to be met by appropriate political leadership of the rotating presidency supported by a group of member states, in order to balance the power asymmetry of the insider and the outsider.

Finally, it is important to involve civil society in the resolution of the name dispute. Civil society can and should step in to help change the existing narrative and make necessary compromises more sustainable and widely accepted. Fostering their involvement in settling the name dispute would help ensure wider-spread acceptance of negotiated solutions among the population.

Resolution of Bilateral Disputes

Positive developments in the Macedonia-Greece naming dispute could open the path for tackling other regional issues, both at technical and political levels.

Technical issues include the demarcation of borders. At the same time, the precise demarcation of borders between the WB countries is also a political issue, as seen in the failed attempt to ratify the border agreement between Kosovo and Montenegro. The status of national minorities, the status and repatriation of refugees and Internally Displaced Persons and their property and status rights, war crimes prosecution, transitional justice and the search for missing persons are other key issues affecting bilateral relations. Although several WB countries have signed agreements or treaties on the mutual protection of minorities and on other aspects affecting bilateral relations, their implementation remains a challenge.

One of the main commitments from the Vienna Summit 2015 for the WB governments was not only tackling bilateral issues, but reporting annually on the steps taken to resolve them, starting with the Paris Summit in 2016. Establishing this annual reporting mechanism would allow for systematic state and regional updates, and ensure commitment to dispute resolution and lasting settlements. However, the reports never saw the light of day, with bilateral issues side-lined from the agenda in Paris and Trieste. The plethora of bilateral disputes since the 2015 summit only highlights the importance of this issue.

Thus, it is crucial to restore the momentum gained at the Vienna Summit 2015 and channel it into a sustainable dispute resolution process among the WB countries as well as with the EU member states.

The EU should continue to play a crucial role in facilitation and mediation by focusing on the incentives for the resolution of disputes and available mechanisms, particularly for the settlement of border disputes and minority rights issues, while the WB countries should place structure and national

policies at the centre of attention. To accelerate the process, a specific EU coordination body should be appointed to oversee reporting on the progress of bilateral dispute resolution and to facilitate bilateral dispute resolution. The European External Action Service is the most obvious choice to take on this role, with the involvement of the EU Parliament and the Council of Europe. Equally important is that this platform also provides space for involvement of civil society organizations in the debates and recommendations on how to tackle bilateral issues, thus bringing them openly into the public arena.⁸

⁸ This section draws on Nikola Dimitrov, Marika Djolai and Natasha Wunsch. Removing Obstacles EU Accession: Bilateral Disputes in the Western Balkans, BIEPAG, August-September 2017. <http://library.fes.de/pdf-files/bueros/sarajevo/12902/2017-08-09.pdf>

Berlin Process

The Berlin Process remains the only high-level political venue that brings together the six remaining non-EU WB countries with key EU partners. As such the format of the Berlin Process EU-WB6 Summit series should continue beyond the initial five-year framework set to end in 2018 in London.

The process should remain stable in terms of the number of actors involved, as an increase in size bears risk of spoiling the dynamics and hijacking the agenda for self-driven interest. However, the process should remain open to including additional EU member states, based on a pragmatic approach. The preparation of annual summits should become more transparent. The choice of annual topics seemed ad hoc rather than the result of a strategy and often seemed based on last-minute decisions. As a consequence of the vaguely defined goals of the process, WB governments were at liberty to manipulate perceptions of achieved results in communication with other stakeholders and the general public. In the future, it is important to limit and prioritize the number of issues addressed within the Berlin Process so as to avoid the dilution of concrete tasks. Also, it is crucial to avoid duplicating the accession process, as this makes the European Commission reluctant to substantially engage.

At this stage, the Berlin Process needs to be adjusted to include three tracks:

1. Follow-up on past commitments, with tangible annual milestones to be achieved,
2. Identification of new priorities, such as security cooperation, and
3. Planning for the process beyond London.

Altogether, it is crucial to set concrete obligations and to pull together existing obligations, such as the reporting on progress in improving bilateral relations, for the countries involved, beyond the adoption of declarative commitments. The implementation of agreed responsibilities should be regularly monitored throughout the year, and assessed at the Summit, with the possibility of publicly naming and shaming governments that are lagging behind in implementation.

Doubtlessly, the brunt of the responsibility for the potential success of the Berlin Process rests with the respective regional governments. However, the Berlin Process should be used as an opportunity to increase pressure on the governments of the Western Balkans to do their job better by strengthening the role of the civil society and by assuring that it is a more precise role. The Civil Society, Youth and Business Forums organized as side events within the Berlin Process need to be integrated into the formal program of future summits and not seen as separate silos, but rather integrated horizontally. In addition, civil society should be regularly consulted between the summits in order to prepare 'shadow reports' on the topics covered within the process and provide input for new priorities and themes in the policy development phase.

The potential of the Berlin Process is evident as the number of donors, regional and international organisations engaged in the WB, as well as major European companies, have expressed their interest in it. Yet, on the occasion of the fourth Western Balkans Summit, what has come of the plethora of vital economic revitalization projects identified at the previous three meetings? Since the start of the Berlin Process in summer 2014, a number of programs and initiatives have been launched, yet when it comes to implementation, the track record is rather disappointing.

To close this gap, the German Minister of Foreign Affairs announced a "Berlin Plus" addition to the Berlin Process in order to be better equipped to answer to the needs of the region. This opportunity should be used so as to provide more prominent roles to regional organizations and European companies, especially those involved in the connectivity agenda-related issues, in pushing the WB countries to engage more directly and decisively towards the European single market benchmarks.

Finally, all the efforts made within the framework of the Berlin Process should be exclusively focused on fulfilling the Copenhagen Accession Criteria, or on increasing the candidate countries' ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.

Eliminate roaming charges for the Western Balkans

As of 15 June 2017, roaming charges in the EU no longer apply. In a nutshell, the users of any of the EU-based SIM cards traveling within all 28 EU member states, but also the three non-EU countries of the European Economic Area (EEA), will be able to call, text and connect on their mobile devices at the same price as they pay at home. However, citizens of the WB countries traveling to the EU or within the region are still faced with high roaming charges (often well above 1 Euro per minute for voice calls and 0,25 Euro for SMS messages, not to mention varied step costs for data roaming). Similarly, EU citizens will continue to pay roaming surcharges when coming to the Western Balkans. These costs constitute an obstacle to business within the region and between the EU and the region, as well to supporting people-to-people contacts.⁹

The EU has recently been criticized for failing to supply much-needed credibility to its promise for full membership to the Western Balkans. As the accession to the Balkans is not likely to take place in the next eight years to say the least, support for enlargement among the citizens of the six non-EU Western Balkan countries is slowly fading away. It would therefore be useful to extend a tangible reason to re-establish confidence in the EU project to Balkan citizens as well. The end of roaming charges is precisely this - a tangible success story of the EU of which every European will enjoy its full benefit.

The potential implementation of such a comprehensive agreement would be fully in line with the SAA, as it would facilitate the gradual alignment of the region's legislation with EU law and standards, thus creating a new impetus for the region's economy in attracting investments. It would additionally prepare the region for its future participation in the EU's single market. Most importantly it would genuinely bring people together as both EU citizens and citizens of the Western Balkan countries would save money when using their phones abroad, especially since there already exists an extensive circulation of people between the EU and the Western Balkans.

⁹ This section draws on Marko Kmezcic, End Roaming Charges in EU Candidate Countries: Bring People Closer. BiEPAG blog, 16 June 2017. <http://www.suedosteuropa.uni-graz.at/biepag/node/248>.

Naturally, the EU cannot dictate the fees of its operators for services outside the common market. However, the Western Balkan countries have all signed their SAAs with the EU, which foresees a gradual liberalization in the supply of services. Secondly, one might wonder whether the government-controlled Western Balkan telecom providers would agree to such a proposal. Although the rent-seeking ruling elites will inevitably lose some of the financial benefits of charging high roaming tariffs, the political costs of refusing to agree to the idea of eliminating telecom charges with the EU would be much higher. Also, it needs to be said that the EU has been very careful to ensure the tools exist to guard against the abuse of the rules of roaming-free policy. To begin with, operators have had two years to prepare for the end of roaming charges. For the EU and EEA countries, the process took 10 years. According to the fair use policy, the operators may impose caps on how much mobile data can be used while abroad. Finally, the 'roam like at home' principle only works if the user spends more time at home than abroad. Naturally, all of these tools would be used in the case of regional telecom operators as well.

The talks over the elimination of roaming charges were not easy in the EU itself. They lasted 10 years and involved numerous EU institutions, European governments and companies. But this only means that such talks with the Western Balkans should start as soon as possible.

This message has already reached the European Commissioner in charge of Digital Economy and Society, Mariya Gabriel, who has announced a roadmap towards lowering roaming charges between the EU and WB6. We call upon the EU and its partners to make the issue of digital integration a priority within the on-going Connectivity Agenda.

What to do With EU Accession Laggards?

The distant and uncertain prospects of eventual EU membership are increasingly influencing the lack of EU transformative leverage in the WB. Although a regional trend, this is mostly visible in the current laggards of the accession process - Bosnia and Herzegovina and Kosovo. Not neglecting uncertainty regarding the internal political contestation and the outcome of on-going Belgrade-Pristina talks on normalization of relations, for as long as Cyprus, Greece, Slovakia, Spain and Romania de facto block Kosovo's membership prospects by denying recognition of the country, the potential for destabilisation and regression should not be underestimated. On the other hand, after being unable to move the country forward for 10 years, even the EU itself acknowledged the failure of its conditionality toolbox in Bosnia and Herzegovina by launching the British-German initiative in late 2014 aimed at unblocking the stalemate by delaying Sejdić-Finci conditionality. The question is how to prevent losing Kosovo and Bosnia and Herzegovina from the EU accession process, especially as the remaining four seem to have greater prospects of advancing.

Two major problems visible in Bosnia and Herzegovina and Kosovo, but also in other WB countries, are the lack of legal certainty and poor economic performance. The EU should devise a new strategy for Bosnia and Herzegovina and Kosovo that would mutually interconnect two mentioned problems by addressing them through incentives rather than fragile rules. In other words, it should link democracy and the rule of law conditionality with the prospect of economic development embodied in conditioned financial assistance.

First, all the Western Balkan countries should be asked to draw up an Action Plan for Chapters 23 and 24, which after a screening exercise should lead to their opening as soon as possible. This scenario would replicate the success of the visa liberalisation process, as it would encourage regional competition between aspiring member countries, and it would increase the density of ties and linkages between the EU and domestic elites in the WB thus expanding the EU's transformative power with the accession

laggards. At the same time, bearing in mind economic disparity between the WB and the EU, it is necessary to increase the IPA funding. Together with the beneficiaries, the European Parliament and Commission should fine-tune the list of priority projects with a huge economic multiplier effect, such as infrastructure projects (railways, highways and renewable energy), education, skills, innovation and applied research. Drawing from this financial line, however, would be strictly conditioned by countries' successful performance in meeting the accession criteria set in negotiating Chapters 23 and 24. Still, a separate branch of the IPA mechanisms should be directed towards strengthening the expertise, capacities, technical organization and independence of credible regulatory agencies and civil society actors.

It needs to be asserted that the incentive offered through such conditional mobilization of resources must be generous, as it will be measured against the commitment of China's 'Belt and Road' initiative, or shady investments coming from the countries of the Gulf and from Turkey, which all come with no political conditions attached. This is why the final message to the EU regarding its enlargement policy in the Balkans would be to rethink it, to try, and then, if necessary, to try again.

About BiEPAG

The Balkans in Europe Policy Advisory Group (BiEPAG) is a co-operation initiative of the European Fund for the Balkans (EFB) and Centre for the Southeast European Studies of the University of Graz (CSEES) with the aim to promote the European integration of the Western Balkans and the consolidation of democratic, open countries in the region. BiEPAG is composed by prominent policy researchers from the Western Balkans and wider Europe that have established themselves for their knowledge and understanding of the Western Balkans and the processes that shape the region. Current members of the BiEPAG are: Dimitar Bechev, Florian Bieber, Blerjana Bino, Srdjan Cvijić, Milica Delević, Marika Djolai, Vedran Džihčić, Tobias Flessenkemper, Dejan Jović, Marko Kmezić, Jovana Marović, Milan Nič, Corina Stratulat, Dane Taleski, Nikolaos Tzifakis, Alida Vračić, and Natasha Wunsch.

About the European Fund for the Balkans

The European Fund for the Balkans is designed to create and support initiatives aimed at strengthening democracy and fostering European integration by enabling inclusive policy making, supporting capacity development and creating a platform for exchange and co-operation in the Western Balkans. The Fund was launched in 2007 by four European private foundations (King Baudouin Foundation, Erste Foundation, Robert Bosch Stiftung and the Compagnia di san Paolo), within the framework of the Network of European Foundations.

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About the Centre for Southeast European Studies, University of Graz

About the Centre for Southeast European Studies, University of Graz The Centre for Southeast European Studies was set up in November 2008 following the establishment of Southeast Europe as a strategic priority at the University of Graz in 2000. The Centre is an interdisciplinary and cross-faculty institution for research and education, established with the goal to provide space for the rich teaching and research activities at the university on and with Southeast Europe and to promote interdisciplinary collaboration. Since its establishment, the centre also aimed to provide information and documentation and to be a point of contact for media and the public interested in Southeast Europe, in terms of political, legal, economic and cultural developments. An interdisciplinary team of lawyers, historians, and political scientists working at the Centre has contributed to research on Southeast Europe, through numerous articles, monographs and other publications. In addition, the centre regularly organizes international conferences and workshops to promote cutting edge research on Southeast Europe.

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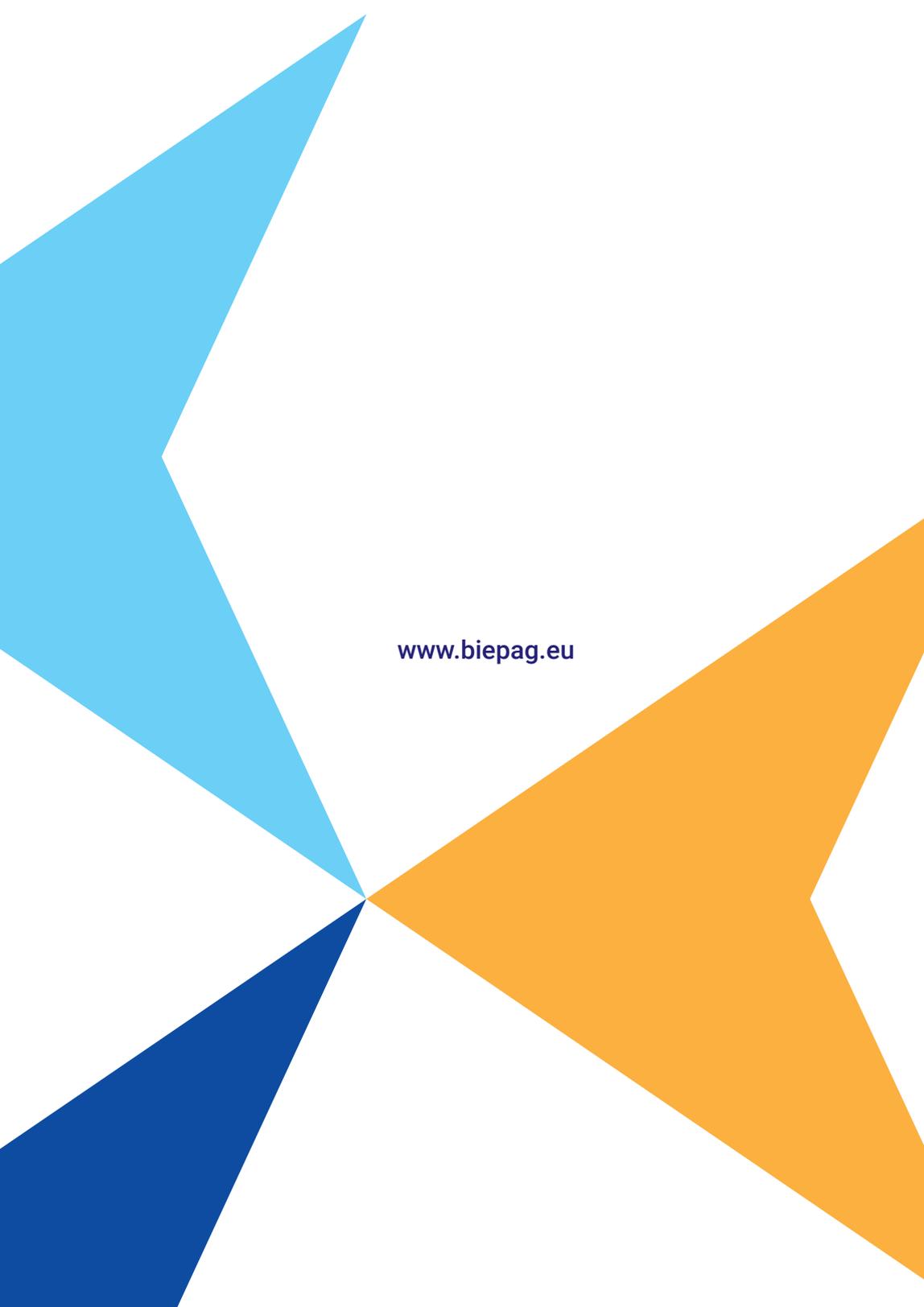
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